

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EAGLE HARBOR HOLDINGS, LLC, and
MEDIUSTECH, LLC,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 3:11-cv-05503-BHS

**JOINT STIPULATED MOTION &
ORDER TO REVISE CASE
SCHEDULE**

**NOTE ON MOTION CALENDAR:
November 8, 2013**

Due to challenges and difficulties in scheduling certain depositions and completing party and non-party discovery in advance of the deadline for opening expert reports, as well as the parties' desire to narrow the scope of the case in advance of that deadline and upon receipt of the Court's final *Markman* order, the parties have conferred and reached agreement about certain revisions to the case schedule going forward. The requested revisions provide for modest extensions to the deadlines for opening and rebuttal expert reports, as well as the close of discovery, while maintaining deadlines that impact the Court, such as the noting dates for dispositive and *Daubert* motions, motions in limine, pretrial filings (pretrial order, voir dire, trial briefs, and jury instructions), and the trial date.

In addition, the parties have agreed to the entry of certain interim discovery deadlines that will afford the parties further predictability concerning scheduling of depositions and completion of document production. On this showing of good cause, the parties respectfully and jointly move for the entry of the revised deadlines set out in Exhibit 1.

JOINT STIPULATED MOTION TO REVISE CASE SCHEDULE
Case No. 3:11-cv-05503-BHS

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It is so ordered.

Dated this 13th day of November, 2013.



BENJAMIN H. SETTLE
United States District Judge

Exhibit 1

| <u>Event</u> | <u>Current Deadline</u> | <u>Revised Deadline</u> |
|--|------------------------------------|--|
| Deadline for Medius to present narrowed list of claims (subject to changes based on claim construction order) | -- | 11/11/13 |
| Deadline for Ford to disclose list of 35 prior art references (subject to changes based on Medius' changes to asserted claims) | -- | 11/18/13 |
| Deadline for Medius to supplement Interrogatory response 12 (written description) | -- | 7 days after <i>Markman</i> order, so long as the <i>Markman</i> is received by 11/29/13 If the <i>Markman</i> order is not received by 11/29/13, deadline is 12/6/13 |
| Deadline for Ford to supplement response to interrogatory 11 (design-arounds) | -- | 12/2/13 |
| Deadline for Medius to serve amended infringement contentions | -- | 7 days after <i>Markman</i> order, so long as the <i>Markman</i> is received by 11/29/13 If the <i>Markman</i> order is not received by 11/29/13, deadline is 12/6/13 |
| Deadline for Ford to serve amended non-infringement contentions | -- | 14 days after receiving Medius's contentions, but not later than 12/20/13 |
| Deadline for Ford to serve amended invalidity contentions | -- | 21 days after receiving Medius's contentions, but not later than 12/27/13 |
| Deadline for the parties to substantially complete their document productions, not including electronic keyword searching of individual custodians. Until the scope of such electronic keyword searching of individual custodians is resolved through agreement of | -- | 11/22/13 |

| <u>Event</u> | <u>Current Deadline</u> | <u>Revised Deadline</u> |
|--|--|---|
| the parties or Court order, the documents of any Ford deponent will be produced at least a week in advance of their deposition. The documents to be produced will be determined through negotiation of counsel as to search terms. | | |
| Deadline for Ford to produce documents omitted from the 11/22/13 deadline | -- | To be set by agreement of the parties or order of the Court. Such production will be complete before the close of discovery |
| Deadline for Ford to present all 30(b)(6) witnesses | -- | 12/20/13 |
| Deadline for Medius to present Dan Preston and Pierce Lutter for deposition | -- | 12/20/13 |
| Opening expert reports | 12/9/13 | 1/10/14 |
| Rebuttal expert reports | 1/7/14 | 2/14/14 |
| All motions related to fact discovery must be filed | 1/17/14 | 2/7/14 |
| Expert depositions | -- | 2/24/14 – 3/7/14 |
| Close of fact and expert discovery | 2/18/14 | 3/7/14 |
| Dispositive Motion (and <i>Daubert</i> Motion) Deadline | 3/18/14 (motions noted for 4/11/14) | 3/20/14 (motions noted for 4/11/14) |
| Motions in limine | 5/12/14 (motions noted for 5/23/14) | 5/12/14 (motions noted for 5/23/14) |
| Agreed pretrial order, trial briefs, proposed voir dire, and jury instructions due | 5/27/14 | 5/27/14 |

| <u>Event</u> | <u>Current Deadline</u> | <u>Revised Deadline</u> |
|---------------------|-----------------------------|-------------------------|
| Pretrial conference | 6/2/14 | 6/2/14 |
| Trial Begins | 6/16/14 | 6/16/14 |